



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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April 7, 2015

Ms. Catherine K. Miles
201 S. Apple Road
Osceola, IN 46561

Re: Formal Complaint 15-FC-76; Alleged Violation of the Access to Public Records Act by Osceola Police Department

Dear Ms. Miles,

This advisory opinion is in response to your formal complaint alleging Osceola Police Department ("Department") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Department has responded to your complaint via Ms. Jaime C. Woods, Esq., Counsel. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on March 3, 2015.

BACKGROUND

Your complaint dated February 23, 2015 alleges the Osceola Police Department violated the Access to Public Records Act by failing to provide the records you requested.

As president of the Osceola Neighborhood Watch, you had a standing request for police reports from the Department. You were told you would have to look up the information individually each day instead of being providing a list on a standing basis.

On March 18, 2015, Counsel responded to your complaint. Counsel contends you never formally requested copies of police reports, but instead "requested that Chief Brown personally meet" with you. Counsel contends the information you requested is available via the St. Joseph County Police website. Osceola does not maintain the specific lists you requested and counsel maintains the department is not under obligation to do so, citing a previous Public Access Counselor *Advisory Opinion 04-FC-38*.



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ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. Osceola Police Department is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Department's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

In the matter here, the Department is not contending the records requested should be withheld. Instead, the claim is that the Department has met its burden under APRA by maintaining a daily log of complaints, alleged crimes and accidents. It appears as if the Department has gone above and beyond their statutory obligation by posting this information on its website. While it may be convenient for you to receive individual service based upon a standing request, it is not an obligation of a public agency to do so. This level of service is completely at the discretion of the Department.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Osceola Police Department has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt
Public Access Counselor

Cc: Ms. Jaime Woods, Esq.